

EXHIBIT 69

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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF NEW YORK
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4 RACHEL COLANGELO and KATHLEEN) Case No.
5 PARADOWSKI, individually and on) 6:18-cv-01228
6 behalf of a class of similarly) [LEK/DEP]
7 situated individuals,)
8)
9 Plaintiff,)
10)
11)
12)
13 vs.)
14)
15 CHAMPION PETFOODS USA INC. and)
16 CHAMPION PETFOODS LP,)
17)
18 Defendants.)
19)
20

21 VIDEO-RECORDED VIDEOCONFERENCE
22 DEPOSITION OF STEFAN BOEDECKER
23 Tuesday, March 16, 2021
24 Volume I
25

Reported by:
ROCHELLE HOLMES
CSR No. 9482
Job No. 4487163
PAGES 1 - 105

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RACHEL COLANGELO and KATHLEEN)	Case No.
PARADOWSKI, individually and on)	6:18-cv-01228
behalf of a class of similarly)	[LEK/DEP]
situated individuals,)	
)	
Plaintiff,)	
)	
vs.)	
)	
CHAMPION PETFOODS USA INC. and)	
CHAMPION PETFOODS LP,)	
)	
Defendants)	

Deposition of STEFAN BOEDECKER, testifying from Henderson, Nevada, taken on behalf of Defendants, via videoconference, beginning at 12:22 P.M. and ending at 3:58 P.M. on Tuesday, March 16, 2021, before ROCHELLE HOLMES, Certified Shorthand Reporter No. 9482, Certified Realtime Reporter No. 0123.

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18 --and--

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1 APPEARANCES (CONTINUED) :

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3 VIDEOGRAPHER: SCOTT SLATER

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(Appearing via videoconference.)

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1 The time is 3:54 p.m.

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EXAMINATION

4 BY MS. BORRELLI:

5 Q Mr. Boedeker, earlier Mr. Shackelford was
6 asking you about your experience doing what we've called
7 an expectation survey in this case and other litigation
8 cases that you've been involved in.

9 Do you recall that testimony?

10 A Yes, I do.

11 Q Have you ever done surveys similar to the
12 expectation survey done here in your
13 non-litigation-related work?

14 A Yes, I've done that multiple times.

Q How many would you estimate?

16 A I mean, probably at least 50, if not more. I
17 did a lot of consulting work that dealt with measuring
18 consumers' expectations when assessing new products,
19 bundling of products or attributes of existing products.

20 Q Okay. And then Mr. Shackelford was asking you
21 about Appendix 4 just a bit ago and about whether you
22 could combine the results of the misrepresentations and
23 omissions survey.

24 Your testimony about whether those results
25 could be combined, did that assume that the

1 misrepresentations results and the omissions results
2 were independent or dependent?

3 A Adding those two means that they are
4 independent, it's based on that assumption, which is
5 something that I have not tested. But under the
6 assumption of independence they're edited.

7 Q Okay. So you don't know sitting here today
8 whether they're independent or dependent because you
9 didn't test that?

10 A That's right. I haven't tested it, so I don't
11 know the degree of any dependency or independence.

12 Q And in your report and as part of your expert
13 opinions in this case, are you opining that the
14 omissions damages and the misrepresentations damages are
15 additive?

16 A Again, I have not opined on that because I
17 haven't done the tests necessary. I report the damages
18 as they are one by one in my report.

19 MS. BORRELLI: Okay. I think that's all the
20 questions I have. Thank you.

21 MR. SHACKELFORD: I have no further questions
22 for you today, Mr. Boedeker. I really appreciate your
23 time and to everyone appreciate your patience and
24 flexibility on trying to get this kicked off. So I
25 appreciate that.